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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Thomas Joseph McBlain

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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2614

NOTIFICATION DATE

DELIVERY MODE

07/16/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/084,330	Applicant(s) MCBLAIN ET AL.	
	Examiner Gerald Gauthier	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 58-69** are rejected under 35 U.S.C. 102(b) as being anticipated by Gaechter et al. (US 5,463,685).

Regarding **claim 58**, Gaechter discloses a method for controlling an outbound communication [column 1, lines 9-12], comprising:

storing outbound communication rule information for a rule that is configurable by a subscriber responsible to a service with which the outbound communication is originated, that governs processing for the outbound communication, and that includes a condition and an action to be taken for the outbound communication when the condition is satisfied [The identity of the phone numbers is stored in the database 60 in the outbound call management system 52 and represent one or more dialing programs. The time at which the calls are to be placed by the automatic call dialing system is communicated to the system 52 by the user of network based outbound call management services through any telephone instrument or other input mechanism connected to the network, column 4, lines 20-66]; and

sending, in response to receiving a network device message from a network device which receives the outbound communication and sends the network device

message to the communication processor when the condition is satisfied, a communication processor message including the action to be taken for controlling the outbound communication [If the telephone call placed on the network by the automatic call dialing system 64 is not answered or a busy signal is detected, then the call management module 68 is responsive to this condition and determines how these types of events are treated in accordance with the wishes of the outbound call management user, as programmed by the user in the system 52, column 5, lines 5-22].

Regarding **claim 59**, Gaechter discloses a method, wherein the network device initiates an action in response to receiving the communication processor message [column 5, lines 5-22].

Regarding **claim 60**, Gaechter discloses a method, further comprising: determining whether at least a portion of a dialed number satisfies a condition of the outbound communication rule information [column 5, lines 23-45].

Regarding **claim 61**, Gaechter discloses a method, wherein the network device forwards the outbound communication to a number other than the dialed number based on the action of the outbound communication rule information [column 5, lines 23-45].

Regarding **claim 62**, Gaechter discloses a method, wherein the action relates to blocking the outbound communication when the outbound communication is to a destination indicated by the condition [column 5, lines 5-22].

Regarding **claim 63**, Gaechter discloses a method, wherein a page is sent to a paging device based on the action of the outbound communication rule information [column 5, lines 46-65].

Regarding **claim 64**, Gaechter discloses a method, wherein the outbound communication rule information is configurable by the subscriber via a service management system [column 5, lines 5-22].

Regarding **claim 65**, Gaechter discloses a method, wherein the outbound communication rule information is configurable by the subscriber via a web server [[column 5, lines 5-22].

Regarding **claim 66**, Gaechter discloses a method, wherein the outbound communication rule information is configurable via the web server by the subscriber using a web client [column 5, lines 5-22].

Regarding **claim 67**, Gaechter discloses a method, wherein the network device initiates a plurality of actions to be taken based on the action [column 5, lines 46-65].

Regarding **claim 68**, Gaechter discloses a method, further comprising:
determining whether outbound communication information in the communication
processor message satisfies a plurality of conditions [column 5, lines 46-65].

Regarding **claim 69**, Gaechter discloses a method, further comprising:
determining whether outbound communication information in the communication
processor message satisfies conditions of a plurality of rules [column 5, lines 46-65].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 47-57** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaechter in view of Chaturvedi et al. (US 7,106,706 B1).

Regarding **claim 47**, Gaechter discloses all the limitations of claim 47 as stated in claim 58 above, except a processor comprising a memory and a sender.

However, Chaturvedi teaches a communication processor [88], comprising:
a memory [storage 90] and a sender [host 84] [data storage 90 holds a set of logic (e.g. computer instructions) 98 executable by processor 88 to carry out various functions described herein, such as sending a GUI to user-interface 92 be presented to a user, receiving a user request to establish a dial-up data session, responsively signaling to MSC 64 to set up a packet-data session, column 6, line 65 to column 7, line 10].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Gaechter using the teaching of a processor with a memory as taught by Gaechter.

This modification of the invention enables the system to have a memory that stores configurable information by a user so that the user would be billed for the call rather than a calling party.

Regarding **claim 48**, Gaechter discloses a communication processor, wherein the outbound communication rule information is configurable over the internet [column 2, lines 31-62].

Regarding **claim 49**, Gaechter discloses a communication processor, wherein the service is a telecommunications service, and wherein the subscriber is a subscriber to the telecommunications service [column 5, lines 5-22].

Regarding **claim 50**, Gaechter discloses a communications processor, wherein the action relates to forwarding the outbound communication [column 5, lines 5-22].

Regarding **claim 51**, Gaechter discloses a communication processor, wherein the action relates to requiring submission of a personal identification number [column 5, lines 5-22].

Regarding **claim 52**, Gaechter discloses a communication processor, wherein the outbound communication rule information is configurable for a subscriber using a web browser [column 5, lines 5-22].

Regarding **claim 53**, Gaechter discloses a communication processor, wherein the action relates to disallowing the outbound communication [column 5, lines 5-22].

Regarding **claim 54**, Gaechter discloses a communication processor, wherein the action relates to routing the outbound communication via a carrier associated with a dial-around code [column 5, lines 5-22].

Regarding **claim 55**, Gaechter discloses a communication processor, wherein the outbound communication rule information comprises a plurality of actions [column 5, lines 5-22].

Regarding **claim 56**, Gaechter discloses a communication processor, wherein the outbound communication rule information comprises a plurality of conditions [column 5, lines 5-22].

Regarding **claim 57**, Gaechter discloses a communication processor, wherein the outbound communication rule information comprises a plurality of rules [column 5, lines 5-22].

Response to Arguments

7. Applicant's arguments with respect to **claims 47-69** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Katayama is cited for a communication device.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner, Art Unit 2614

GG
July 15, 2008